



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 12**

Hearing Date: January 16, 2007
Committee On: Agriculture

Introducer(s): (Mines, 18)
Title: Change the Commercial Dog and Cat Operator Inspection Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|---|
| 7 | Yes | Senators Dierks, Wallman, Preister, McDonald, Karpisek, Chambers, and Dubas |
| 0 | No | |
| 1 | Present, not voting | Senator Erdman |
| 0 | Absent | |
-

Proponents:

Stephanie Cude
Judy Varner
Robert A. Downey
Carol Wheeler
Timothy Sibbel
Scott Besch
Lisa Zentz

Representing:

Introducer, LA for Sen. Mines, District 18
Nebraska Humane Society
Capital Humane Society, Lincoln, NE
Hearts United for Animals

Nebraska Italian Greyhound Rescue

Opponents:

Clem Disterhaupt
Amy Lambrecht
Phillip Van Bibber

Representing:

Nebraska Dog Breeders Association
Nebraska Dog Breeders Association
Nebraska Dog Breeders Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 12 effects various changes to the Commercial Dog & Cat Operator Inspection Act, most notably to increase the Department’s facility inspection activity. The bill also clarifies

disciplinary procedures, adds administrative fine as a disciplinary option, clarifies fee provisions and specifies appropriations.

The substantive changes to current law are found in sections 3, 5 and 8 of the bill. The primary substantive elements of the bill include:

- Section 3 of the bill amends §54-628 to replace existing direction to establish an inspection program with prescribed annual inspection of all existing licensed facilities. Current law authorizes the Department to establish an inspection program but does not mandate a regular inspection schedule so that the inspection program can be conducted as resources allow. Section 5 similarly amends §54-630 to change from permissive to mandatory the inspection of an applicant's facilities prior to issuance of an initial license. A harmonizing deletion to existing text that currently authorizes, but does not require, the Department to perform inspection as an application procedure is made to §54-627 by section 2 of the bill.
- A clarification to the licensure fee provisions contained in §54-627 are made under section 2 of the bill to specify that the determination of the fee under a sliding scale is based upon the number of dogs and cats rather than all animals, and provides for a flat fee if the licensee does not harbor dogs and cats.
- A new subsection 3 of §54-633 is added by section 8 of the bill to authorize administrative fine not exceeding \$5000 as an enforcement action that may be imposed for violation of the Act or regulations. Corresponding harmonizing or implementing changes are made elsewhere in the Act as follows:
 - Administrative fine as set forth in §54-633, and administrative order to cease and desist, are added under section 6 of the bill as a disciplinary response that may be imposed for non-compliance with the Act
 - Rule and regulatory authority under §54-629 is revised by section 4 of the bill to include authority to identify factors considered when imposing administrative fine.
 - Harmonizing changes to the disciplinary process, including changes in internal reference to sanctions that may be imposed under §54-631 and to the elements of notice to licensees of administrative hearing prescribed by §54-632, are made under sections 6 & 7 of the bill.
 - A new section is added to the Commercial Dog and Cat Operator Inspection Act by Section 9 of the bill to specify disposition of any administrative fine collected to conform to cited constitutional provisions and to declare unpaid administrative fines as a debt to the state and to prescribe a collection mechanism of lien foreclosure.
- Section 10 of the bill states legislative intent to appropriate \$411,559 general funds and 127,000 cash funds for FY2007-08 to carry out the Commercial Dog and Cat Operator Inspection Act.

Explanation of amendments, if any:

The committee amendments make the following specific changes:

- Strikes section 10.
- Makes revision to the changes made to §54-628 to specify inspection of licensees only every other year rather than annually. A requirement for pre-licensure inspection under §54-630 as a prerequisite for initial licensure under the act contained in the original bill is not affected by the amendment. Parallel language in §54-627 that is struck as obsolete under section 2 of the introduced bill is restored as modified to be conform to changes elsewhere in the act.
- Adds instruction in amendments to §54-628 under section 3 of the bill that the Department shall employ appropriate and sufficient personnel to carry out the increase in inspection activity brought about by the bill. The amendment also specifies that additional field personnel employed for this purpose that are funded through general fund appropriation shall be available for temporary reassignment to other Bureau of Animal Industry program in the event of the livestock health emergency or other threat to public or livestock health.

Senator Philip Erdman, Chairperson